

nance, 1974, as "Article VIII Floodplain Development"; and the existing Articles VIII and following of the zoning ordinance are redesignated as Articles IX and following.

ANDOVER ZONING ORDINANCE AMENDMENT - No. 2 (COMMERCIAL PERFORMANCE STANDARDS)

The Andover Zoning Ordinance 1974, is amended by adding a new Article IX, to read as set forth below; and the existing Articles IX and following of the zoning ordinance are redesignated as Articles X and following.

IX Performance Standards For Commercial Uses.

This Article is intended to foster high quality commercial development within the Town. This will be accomplished through the establishment of performance and design standards intended to allow development compatible with the natural environment and preexisting uses, buffer incompatible uses, and provide safe and efficient vehicular and pedestrian access. The elements of this Article relate both to uses permitted as a matter of right and to uses permitted only as special exceptions to the Ordinance. In issuing a special exception, the Board of Adjustment shall require an applicant to meet all applicable requirements set forth in this Article in addition to the specific requirements of Article X, Board of Adjustment, and the other sections of this Ordinance. This Article is adopted in accordance with the provisions of RSA 674:16 and 21, and is in addition to all other requirements of this Ordinance and other ordinances and regulations, now or hereafter adopted. Where this Article and another article or ordinance or regulation apply, the stricter standard shall govern.

A. Definitions. As used in this Article:

"Buffer" area or strip means land area, upon which no buildings, structures (other than a sign otherwise permitted), roads, driveways, parking lots, storage areas, loading areas or receiving areas are placed. Said land area may be left in its natural state, or modified, planted or landscaped, as the Planning Board may permit or require, as useful to insulate the commercial use from highways and other lots adjacent to the commercial use or from which the commercial use can be observed. Unless otherwise permitted or required by the Planning Board, existing trees shall be left in said land area. Buffer depth shall be measured along a level line.

"Commercial Use" means all uses other than:

1. residential uses;
2. governmental functions, to the extent performed by governmental officials or employees;
3. general farming, including: horticulture, plant nurseries, dairying, livestock, animal and poultry raising;

4. forestry and tree farms;
5. occupations conducted in the home.

"Development" means any one or more of: (1) the creation of a new use (by new construction or conversion of existing structures or uses); or (2) the enlargement or expansion of an existing use; or (3) the parcel of land that is the location of such construction, conversion, enlargement or expansion; as the context requires.

"Net Land Area" means land other than bluffs, ravines, wetlands, floodplains, and land located within Two Hundred Fifty feet (250') of the high water mark of Bog Pond, Bradley Lake, Elbow Pond, Highland Lake, Hopkins Pond, Horseshoe Pond, Cascade Brook, Frazier Brook and Blackwater River.

"Opaque Visual Screen" means a screen which hides completely the thing screened from the unaided human eye, as measured from all points on vertical lines from zero feet to twelve feet above ground level at all points outside the lot upon which the thing screened is located. Unless other screening options are expressly allowed or required by the Planning Board, the opaque visual screen shall consist solely of plantings, at least fifty (50) percent of which shall be evergreens.

B. Performance Standards. Except where expressly limited in this section (B), the performance standards established herein shall apply to all commercial uses in any district, and shall be cumulative. The establishment of standards in this Article shall not prevent the Planning Board from adopting subdivision and site review regulations, and exercising its discretion regarding subdivisions and site review, not contrary to this Article.

1. Access and traffic facilities, appropriate to serve the transportation needs of the use in a safe and efficient manner, shall be provided. Such appropriateness shall be evaluated in light of, among other things, (a) the impact of the use on the overall transportation system, and (b) the improvements to that system necessitated by all development within the Town.

2. Adequate disposition of, and treatment of, stormwater runoff shall be provided. Stormwater management systems shall be designed to detain the twenty-five-year rainfall event, and to emulate the rate and timing of predevelopment offsite discharge. Combined offsite stormwater handling and treatment facilities may be substituted for onsite systems provided easements are obtained which allow for the construction, use and maintenance of these facilities.

3. Bluffs and ravines shall not be cleared, altered, excavated or filled within one hundred (100) feet of any wetlands, ponds, permanent or intermittent streams, bluffs or ravines; and then only if (a) necessary in order to make the development suitable for uses permitted by this Ordinance, and (b) the plan presented by the applicant ensures the maintenance of stable slopes which will not be subject to col-

lapse or subsidence and that the clearing, altering, excavating or filling will not have an undue adverse effect on the environment.

4. This subsection (B)(4) shall not apply in the Village District. Except for openings for driveways and walkways, a minimum fifty-foot-deep buffer area shall be provided between all property lines and parking areas, service areas, loading areas, and accessways. Where property lines abut any lot not already in commercial use, the minimum depth of that buffer area shall be one hundred (100) feet. Vehicular accessways and parking areas shall be screened sufficiently to prevent vehicular headlights from shining on abutting lots not already in commercial use. For developments which contain gross parking area in excess of 35,000 square feet, internally, a minimum of twenty (20) percent of the gross parking area shall be landscaped; and no parking shall occur within this landscaped area.

5. In the Village District, the depth of the buffer strip described below shall be equal to the average of the setbacks of adjacent buildings on the lots adjacent to either side. If a vacant lot exists on one side, it shall be considered as having a building setback of 100 feet. The requirements of this subsection (B)(5) shall not apply to development which consists solely of the conversion, within the Village District, of a building from a residential use to a commercial use without relocation or expansion. Along U. S. Route 4 and N. H. Routes 4A and 11, except for driveway and walkway openings, a buffer strip shall be provided between the edge of the highway right-of-way and the use. The depth of the buffer strip shall be the greater of one hundred (100) feet measured from the center line of the highway right of way or sixty (60) feet measured from such edge of the highway right of way.

6. All mechanical equipment associated with the use, whether located on the facade of a building, on a rooftop, or elsewhere on the site, and all solid waste disposal areas, shall be separated from all lot lines by an opaque visual screen.

7. In the Village District, the depth of the setback described below shall be equal to the average of the setbacks of adjacent buildings on the lots adjacent to either side; and if a vacant lot exists on one side, it shall be considered as having setbacks equal to those specified in Article IV. No storage structure or outdoor storage or outdoor operations area shall be located closer than one hundred (100) feet to (a) the front lot line, or (b) any lot line adjacent to U.S. Route 4, N.H. Route 11 or N.H. Route 4A, or (c) any lot line abutting a lot not already in commercial use; and all storage structures and all outdoor storage and all outdoor operations areas shall be separated from all lot lines by an opaque visual screen.

8. In the Village District, the depth of the setback described below shall be equal to the average of the setbacks of adjacent buildings on the lots adjacent to either side; and if a vacant lot exists on one side, it shall be considered as having setbacks equal to those specified in Article IV. No outdoor display of products for sale shall be located closer than fifty (50) feet to (a) the front lot line, or (b) any lot line adjacent to U.S. Route 4, N.H. Route 11 or N.H. Route 4A, or (c) any lot line abut-

ting a lot not already in commercial use; and all outdoor display of products for sale shall be separated from all lot lines by an opaque visual screen. Exception: Uses consisting of the retail sale of products shall be exempt from the requirement of an opaque visual screen between the outdoor display of those products for sale and the front lot line.

9. Outside the Village District buildings shall be set back a minimum of one hundred (100) feet from all property lines, except those lot lines abutting (a) a residential use, where building setbacks along such a line shall be one hundred fifty (150) feet, or (b) a commercial use, where building setbacks along such a line shall be fifty (50) feet. The foregoing requirement shall not apply to the following uses when the use is the only use on the lot:

y. when the building containing the use does not exceed 1600 square feet of building footprint:

1. Barbers;
2. Branch offices of banks;
3. General stores;
4. Retail sale of: antiques, arts, crafts, books, sports apparel and equipment, and similar products;
5. Offices;
6. Restaurants; and

z. regardless of building footprint:

1. Bed-and-breakfast establishments not exceeding ten guest sleeping rooms;
2. Group day care facilities with capacity for, and actually providing care to, not exceeding ten clients;
3. Retirement homes not exceeding ten retiree sleeping rooms.

10. In the Village District, the length of the lot line described below shall be equal to the greater of the frontage specified in Article V(D) or the average of the front lot lines of the lots adjacent to either side. The requirements of this subsection (B)(10) shall not apply to development which consists solely of the conversion, within the Village District, of a building from a residential use to a commercial use without relocation or expansion. Any lot which shall front on any one or more of U.S. Route 4, N.H. Route 11 or N.H. Route 4A (hereinafter referred to singly or collectively as "the Highway") shall have a lot line abutting the street or streets upon which it fronts of not less than 500 feet in length. A lot shall be deemed to front on the Highway within the meaning of this subsection B(10) if any one or more of the following conditions exist:

- a. any driveway serving that lot intersects the Highway; or
- b. any walkway serving that lot intersects the Highway, or intersects a side

- walk on the Highway, or is, in the judgment of the Planning Board, an entrance walkway for that lot from the Highway; or
- c. that lot is not served by a driveway, and any building on that lot faces the Highway to a greater degree than any other street.

11. Lighting shall be designed, maintained and operated so as not to increase offsite illumination more than two-tenths (0.2) footcandle above predevelopment levels as measured at the property line. Lighting shall be designed so as not to directly illuminate abutting lots not already in commercial use. This standard shall not apply to public street lighting.

12. Structures and uses shall be designed, maintained and operated so as not to result in an offsite sound level above 60 dBA as measured at the property line.

13. Structures and uses shall be designed, maintained and operated so as not to increase offsite smoke, odor, dust or fumes above predevelopment levels as measured at the property line.

14. This subsection (B)(14) shall not apply in the Village District. The total area of all impervious surfaces on a lot divided by the Net Land Area of that lot shall not exceed 25%. Impervious surfaces are those which do not absorb water, including, but not limited to, buildings, structures, parking areas, driveways, roads, walkways, any area of concrete or asphalt, and areas of outside storage of vehicles or materials.

15. Except in the Village District, the floor area on a lot, divided by the Net Land Area of that lot shall not exceed 35%. In the Village District, the percentage shall not exceed 50%. Floor area is the total gross area on all floors as measured to the outside surfaces of exterior walls, excluding crawl spaces, breezeways, attics without all walls being at least five (5) feet in height, attics without floors, open porches and balconies. The requirements of this subsection (B)(15) shall not apply to development which consists solely of the conversion, within the Village District, of a building from a residential use to a commercial use without relocation or expansion.